THE HONORABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 21108 of 2006

DATED: 18-10-2006

Between:

Smt. Ramasahayam Jyothi Devi

…Petitioner

and

The Superintendent of Police,
Warangal, Warangal Dist. and others.

…Respondents.

HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21108 of 2006

Oral order:

The writ petition is misconceived.

The petitioner alleges that the 2nd respondent is interfering in civil disputes and extending support to the respondents 3 and 4 and trying to dispossess the petitioner from her lawful possession of a residential house bearing No. 4-191 and its surrounding open area to an extent of 2662 Sq. yards in Survey No.657/A, situated at Nellutla Village of Langalaghanpur Revenue Mandal, Warangal District without the authority of law.

The 2nd respondent has filed counter-affidavit. To the extent relevant and material, it is stated by the answering respondent as under:

> "2. It is respectfully submitted that it is a fact that the 3rd respondent viz., Smt Chitla Laxmamma, herein has lodged a complaint with this respondent police station against the petitioner and one Mr. Chitla Narender Reddy, on 21-1-2006 alleging that the petitioner herein has pushed her from the house and beat her with hands and as a result of which she received bleeding injury to her left little finger and further stated that her daughter Malipeddi Shsheela Devi took her into the house wherein the petitioner is residing and that one Mr.Chitla Narender Reddy encouraged the petitioner to beat her and that the petitioner has no right in the said house and hence requested to take necessary action. On receipt of the said complaint, the Asst. Sub-Inspector of Police Mr. N.Lakshminarayana, of this respondent police station registered it as a case in Cr.No.9/2006 U/sec.324 r/w 34 IPC and took up investigation. Investigation was completed. The

petitioner and another accused were arrested on 25-1-2006 and were sent for judicial custody. After completion of the investigation, charge sheet was also filed before the Hon'bleCourt of Judl.First Class Magistrate at Jangaon and the same was taken on file vide CC No.36/2006 and the same is pending trial.

While the matters stood thus, the 4th respondent herein has also lodged a complaint on 15-9-2006 with this respondent police station against the petitioner herein and Smt. Kodru Veeneswari, w/o Ananda Reddy alleging that she got injunction orders in her favour in respect of land measuring Ac.4-09 gts. Covered by Sy.No.657-A and when she started leveling the land by removing the trees and bushes, with the help of hired proclainer on 15-9-2006 the petitioner and her daughter criminally trespassed into her land and abused her and her husband and obstructed the work and hence requested to take necessary action.

Basing on the above complaint, a case in Cr.no.68/2006 u/secs. 447, 290 IPC was registered on 15-9-2006 investigation was taken up. During the course of investigation, the accused including the petitioner were arrested on 29-9-2006 and were sent for remand and after completion of the investigation charged sheet was also filed before the Hon'ble Court of Judl. First Class Magistrate at Jangaon and the same was taken on file vide CC.No.521/2006 and it is pending trial.

3. It is respectfully submitted that except registration of cases basing on the complaints, this respondent never interfered with the peaceful possession and enjoyment of the land of the petitioner at any point of time.

…….

5. The allegation of the petitioner in para No.10 of the affidavit are false and hence denied. The allegation of the petitioner that this respondent colluded with the respondents 3 and 4 without enquiring in the facts is foisting false cases against her and that even though she approached this respondent along with all the documents and explained about the real facts of the case but this respondent never cared for her and her documents, is absolutely false and hence denied. After careful perusal of the entire record and basing on the evidence adduced during the investigation, this respondent arrested the petitioner and filed charge sheet.

The allegations of the petitioner that this respondent has entertained an application from the respondent No.3 and foisted a false case against her and her relative Chintala Narender Reddy vide Cfr.No.9/2006 U/secs. 324 r/w 109 IPC

is false and hence denied.

6. The allegations made in para No.11 of the affidavit are false and hence denied. The allegation of the petitioner that this respondent interfered with her land and directed the unofficial respondents 3 and 4 to cut the valuable trees with a proclainer is false and invented for the purpose of this writ petition.

7. The allegation of the petitioner in para No.12 of the affidavit are false and hence denied. The allegation of the petitioner that this respondent is not at all looking into the merits of the civil case and is not even taking the assistance of revenue officials for conducting any survey for demarcation of land situated in Sy.No.657/A is false and hence denied. The allegation of the petitioner that I am only believing the words of the unofficial respondents and under their influence I am unnecessarily interfering in the civil dispute is false and hence denied.

8. The allegations made in para No.13 of the affidavit are false and hence denied. The allegation of the petitioner that this respondent foisted false case against her and her daughter and registered a cased in Cr.No.68/2006 is false and hence denied. The allegation of the petitioner that I am encouraging the respondent No.4 herein for selling out the valuable trees which fell into her land and which is a matter of civil suit is false and hence denied.

9. The allegation of the petitioner that the respondents are frequently calling her to the police station and threatening her and asking her to vacate the property without due process of law is also false and hence denied. This respondent never interfered with the civil disputes of the petitioner in question. Hence the writ petition is devoid of any merits."

The assertions in the counter-affidavit have not been rebutted by the petitioner. In the circumstances, no case is made out for interference. If the petitioner has any grievance that her complaint is not being registered by the police despite setting out information as to the commission of a cognizable offence, the petitioner is at liberty to pursue the statutory remedy under Section 190 of the Code of Criminal Procedure, 1973.

The writ petition is dismissed. No costs.

GODA RAGHURAM, J

18th October, 2006
GRR